

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

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|---------------------------|---|-----------|
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Plaintiff, |) | 8:06CR217 |
| |) | |
| v. |) | |
| |) | |
| EDDIE C. SHELL, |) | ORDER |
| |) | |
| Defendant. |) | |
| _____ |) | |

This matter is before the court on the defendant, Eddie Shell's ("Shell"), motion to reduce sentence pursuant to crack cocaine Amendment 706, [Filing No. 47](#), and motion for reduction in term of imprisonment 18 U.S.C. § 3582 (C)(2), [Filing No. 53](#). On December 21, 2006, Shell plead guilty to one count of distribution of more than fifty grams of a mixture or substance containing a detectable amount of cocaine base, in violation of 21 U.S.C. § 841(a)(1).¹ On March 20, 2007, Shell was sentenced to a term of imprisonment of 120 months. Under 21 U.S.C. § 841(b)(1)(A)(iii), the defendant is subject to a ten-year minimum sentence and, therefore, his sentence of 120 months is the lowest possible sentence under the requirements of the statute. The recent changes to the sentencing guidelines do not permit the court to enter a sentence lower than the statutory requirements, and thus, the defendant's motion for sentence reduction is denied.

¹ Shell also plead guilty to an additional count of possession with intent to deliver more than 50 grams of a substance containing cocaine base in violation of 21 U.S.C. § 841 and one count of felon in possession of a firearm, in violation of 18 U.S.C. § 922(g)(1).

IT IS ORDERED that Shell's motion to reduce sentence pursuant to crack cocaine Amendment 706, [Filing No. 47](#), and motion for reduction in term of imprisonment 18 U.S.C. § 3582 (C)(2), [Filing No. 53](#), are denied.

DATED this 23rd day of June, 2008.

BY THE COURT:

s/ Joseph F. Bataillon
Chief United States District Judge